

# Chapter 1

## Purpose and Definitions



### 1-1 TITLE, INTENT, SCOPE

### 1-2 DEFINITIONS

#### 1-1 TITLE, INTENT, SCOPE

##### *Subparts*

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#### **Title** 1-101.10 Food Code

These provisions shall be known as the Food Code, hereinafter referred to as "this Code."

#### **Intent** 1-102.10 Food Safety, Illness Prevention, and Honest Presentation.

The purpose of this Code is to safeguard public health and provide to consumers food that is safe, unadulterated, and honestly presented.

#### **Scope** 1-103.10 Statement.

This Code establishes definitions; sets standards for management and personnel, FOOD operations, and EQUIPMENT and facilities; and provides for FOOD ESTABLISHMENT plan review, PERMIT issuance, inspection, EMPLOYEE RESTRICTION, and PERMIT suspension.

#### 1-2 DEFINITIONS

##### *Subpart*

1-201	Applicability and Terms Defined
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#### **Applicability and Terms Defined** 1-201.10 Statement of Application and Listing of Terms.

(A) The following definitions apply in the interpretation and application of this Code.

(B) Terms Defined.

##### (1) **Accredited program.**

(a) "**Accredited program**" means a food protection manager certification program that has been evaluated and listed by an accrediting agency as conforming to national standards for organizations that certify individuals.

(b) "**Accredited program**" refers to the certification process and is a designation based upon an independent evaluation of factors such as the sponsor's mission; organizational structure; staff resources; revenue sources; policies; public information regarding program scope, eligibility requirements, re-certification, discipline and grievance procedures; and test development and administration.

(c) "**Accredited program**" does not refer to training functions or educational programs.

##### (2) **Additive.**

(a) "**Food additive**" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 201(s) and 21 CFR 170.

(b) "**Color additive**" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 201(t) and 21 CFR 70.

##### (3) **Adulterated** has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 402.

(4) "**Approved**" means acceptable to the REGULATORY AUTHORITY based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.

(5) "**a<sub>w</sub>**" means water activity which is a measure of the free moisture in a FOOD, is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature, and is indicated by the symbol a<sub>w</sub>.

(5.1) "**Bed and breakfast operation**" means a private home or inn offering one or more lodging units on a temporary basis to travelers. [WAC 246-215-011(2)]

(6) **"Beverage"** means a liquid for drinking, including water.

(7) **"Bottled drinking water"** means water that is SEALED in bottles, packages, or other containers and offered for sale for human consumption, including bottled mineral water.

(8) **"Casing"** means a tubular container for sausage products made of either natural or artificial (synthetic) material.

(8.1) **"Catering operation"** means a PERSON contracted to prepare FOOD in an approved FOOD ESTABLISHMENT for final cooking or service at another location. [WAC 246-215-011(3)]

(9) **"Certification number"** means a unique combination of letters and numbers assigned by a SHELLFISH CONTROL AUTHORITY to a MOLLUSCAN SHELLFISH dealer according to the provisions of the National Shellfish Sanitation Program.

(10) **CIP.**

(a) **"CIP"** means cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and SANITIZING solution onto or over EQUIPMENT surfaces that require cleaning, such as the method used, in part, to clean and SANITIZE a frozen dessert machine.

(b) **"CIP"** does not include the cleaning of EQUIPMENT such as band saws, slicers, or mixers that are subjected to in-place manual cleaning without the use of a CIP system.

(11) **"CFR"** means CODE OF FEDERAL REGULATIONS. Citations in this Code to the CFR refer sequentially to the Title, Part, and Section numbers, such as 21 CFR 178.1010 refers to Title 21, Part 178, Section 1010.

(12) **"Code of Federal Regulations"** means the compilation of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government which:

(a) Is published annually by the U.S. Government Printing Office; and

(b) Contains FDA rules in 21 CFR, USDA rules in 7 CFR and 9 CFR, EPA rules in 40 CFR, and Wildlife and Fisheries rules in 50 CFR.

(13) **"Commingle"** means:

(a) To combine SHELLSTOCK harvested on different days or from different growing areas as identified on the tag or label, or

(b) To combine SHUCKED SHELLFISH from containers with different container codes or different shucking dates.

(14) **Comminuted.**

(a) **"Comminuted"** means reduced in size by methods including chopping, flaking, grinding, or mincing.

(b) **"Comminuted"** includes FISH or MEAT products that are reduced in size and restructured or reformulated such as gefilte FISH, gyros, ground beef, and sausage; and a mixture of 2 or more types of MEAT that have been reduced in size and combined, such as sausages made from 2 or more MEATS.

(14.1) **"Commissary"** means an approved FOOD ESTABLISHMENT where FOOD is stored, prepared, portioned, or packaged for service elsewhere. [WAC 246-215-011(4)]

(15) **"Confirmed disease outbreak"** means a FOODBORNE DISEASE OUTBREAK in which laboratory analysis of appropriate specimens identifies a causative agent and epidemiological analysis implicates the FOOD as the source of the illness.

(16) **"Consumer"** means a PERSON who is a member of the public, takes possession of FOOD, is not functioning in the capacity of an operator of a FOOD ESTABLISHMENT or FOOD PROCESSING PLANT, and does not offer the FOOD for resale.

(17) **"Corrosion-resistant material"** means a material that maintains acceptable surface cleanability characteristics under prolonged influence of the FOOD to be contacted, the normal use of cleaning compounds and SANITIZING solutions, and other conditions of the use environment.

(18) **"Critical control point"** means a point or procedure in a specific FOOD system where loss of control may result in an unacceptable health RISK.

(19) **Critical Item.** [Deleted by WAC 246-215-011(5)]

(20) **"Critical limit"** means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a CRITICAL CONTROL POINT to minimize the RISK that the identified FOOD safety HAZARD may occur.

(20.1) **"Donated food distributing organization"** means a charitable nonprofit organization under section 501(c) of the federal Internal Revenue Code that distributes FOOD free of charge and includes any nonprofit organization that distributes FOOD free of charge to the public. [WAC 246-215-011(6)]

(20.2) **"Donor"** means a PERSON, corporation, association, or other organization that donates FOOD to a DONATED FOOD DISTRIBUTING ORGANIZATION under the provisions of chapter 69.80 RCW, known as the Good Samaritan Food Donation Act. [WAC 246-215-011(7)]

(20.3) **"Donor kitchen"** means a kitchen that is used by a donor to handle, store, or prepare FOOD for donation to needy persons through a DONATED FOOD DISTRIBUTING ORGANIZATION and which is not a residential kitchen in a private home. [WAC 246-215-011(8)]

(21) **Drinking Water.**

- (a) **"Drinking water"** means water that meets 40 CFR 141 National Primary Drinking Water Regulations.
- (b) **"Drinking water"** is traditionally known as "potable water."
- (c) **"Drinking water"** includes the term "water" except where the term used connotes that the water is not potable, such as "boiler water," "mop water," "rainwater," "wastewater," and "nondrinking" water.
- (d) **"Drinking water"** means potable water that is supplied in compliance with chapters 246-290 and 246-291 WAC. [Amended by WAC 246-215-011(9)]

(22) **"Dry storage area"** means a room or area designated for the storage of PACKAGED or containerized bulk FOOD that is not POTENTIALLY HAZARDOUS and dry goods such as SINGLE-SERVICE items.

(23) **Easily Cleanable.**

- (a) **"Easily cleanable"** means a characteristic of a surface that:
  - (i) Allows effective removal of soil by normal cleaning methods;
  - (ii) Is dependent on the material, design, construction, and installation of the surface; and
  - (iii) Varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into FOOD based on the surface's APPROVED placement, purpose, and use.
- (b) **"Easily cleanable"** includes a tiered application of the criteria that qualify the surface as EASILY CLEANABLE as specified under Subparagraph (a) of this definition to different situations in which varying degrees of cleanability are required such as:
  - (i) The appropriateness of stainless steel for a FOOD preparation surface as opposed to the lack of need for stainless steel to be used for floors or for tables used for CONSUMER dining; or
  - (ii) The need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the CONSUMER dining area.

(24) **"Easily movable"** means:

- (a) Portable; mounted on casters, gliders, or rollers; or provided with a mechanical means to safely tilt a unit of EQUIPMENT for cleaning; and
- (b) Having no utility connection, a utility connection that disconnects quickly, or a flexible utility connection line of sufficient length to allow the EQUIPMENT to be moved for cleaning of the EQUIPMENT and adjacent area.

(25) **"Egg"** means the shell EGG of the domesticated chicken, turkey, duck, goose, guinea, or any other species of fowl. [Amended by WAC 246-215-011(10)]

(26) **"Employee"** means the PERMIT HOLDER, PERSON IN CHARGE, PERSON having supervisory or management duties, PERSON on the payroll, family member, volunteer, PERSON performing work under contractual agreement, or other PERSON working in a FOOD ESTABLISHMENT.

(27) **"EPA"** means the U.S. Environmental Protection Agency.

(28) **Equipment.**

- (a) **"Equipment"** means an article that is used in the operation of a FOOD ESTABLISHMENT such as a freezer, grinder, hood, ice maker, MEAT block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, TEMPERATURE MEASURING DEVICE for ambient air, VENDING MACHINE, or WAREWASHING machine.
- (b) **"Equipment"** does not include items used for handling or storing large quantities of PACKAGED FOODS that are received from a supplier in a cased or overwrapped lot, such as hand trucks, forklifts, dollies, pallets, racks, and skids.

(29) **"Exclude"** means to prevent a PERSON from working as a FOOD EMPLOYEE or entering a FOOD ESTABLISHMENT except for those areas open to the general public.

(30) **"FDA"** means the U.S. Food and Drug Administration.

(31) **Fish.**

- (a) **"Fish"** means fresh or saltwater finfish, crustaceans and other forms of aquatic life (including alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals) other than birds or mammals, and all mollusks, if such animal life is intended for human consumption.
- (b) **"Fish"** includes an edible human FOOD product derived in whole or in part from FISH, including FISH that have been processed in any manner.

(32) **"Food"** means a raw, cooked, or processed edible substance, ice, BEVERAGE, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

(32.1) **"Food Code"** means the 2001 edition of the *Food Code* of the United States Public Health Service, Food and Drug Administration. [WAC 246-215-011(11)]

(33) **"Foodborne disease outbreak"** means the occurrence of two or more cases of a similar illness resulting from the ingestion of a common food.

(34) **"Food-contact surface"** means:

- (a) A surface of EQUIPMENT or a UTENSIL with which FOOD normally comes into contact; or
- (b) A surface of EQUIPMENT or a UTENSIL from which FOOD may drain, drip, or splash:
  - (i) Into a FOOD, or
  - (ii) Onto a surface normally in contact with FOOD.

(35) **"Food employee"** means an individual working with UNPACKAGED FOOD, FOOD EQUIPMENT OR UTENSILS, or FOOD-CONTACT SURFACES.

(36) **Food Establishment.**

- (a) **"Food establishment"** means an operation that stores, prepares, packages, serves, vends, or otherwise provides FOOD for human consumption:
  - (i) Such as a restaurant; satellite or catered feeding location; catering operation if the operation provides FOOD directly to a CONSUMER or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution; or FOOD bank; and
  - (ii) That relinquishes possession of FOOD to a CONSUMER directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.
- (b) **"Food establishment"** includes:
  - (i) An element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location *unless the vending or feeding location is PERMITTED by the REGULATORY AUTHORITY*; and
  - (ii) An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the PREMISES; and regardless of whether there is a charge for the FOOD.
- (c) **"Food establishment"** does not include: [Amended by WAC 246-215-011(12)]
  - (i) An establishment that offers only nonPOTENTIALLY HAZARDOUS FOODS prePACKAGED in a licensed food establishment or food processing plant;
  - (ii) An establishment that offers only nonPOTENTIALLY HAZARDOUS FOODS, nonREADY-TO-EAT, minimally cut, unprocessed fruits and vegetables;
  - (iii) A FOOD PROCESSING PLANT or other establishment for activities regulated by the Washington State Department of Agriculture or the U.S. Department of Agriculture.
  - (iv) An establishment that offers only nonPOTENTIALLY HAZARDOUS FOODS, READY-TO-EAT FOODS produced in a licensed FOOD ESTABLISHMENT or FOOD PROCESSING PLANT (such as premixed soda pop, powdered creamer, pretzels, cookies, doughnuts, cake, or meat jerky) that are served without direct hand contact, with limited portioning, directly onto or into sanitary SINGLE-USE ARTICLES or SINGLE-SERVICE ARTICLES from the original package;
  - (v) An establishment that offers only nonPOTENTIALLY HAZARDOUS hot beverages (such as coffee, hot tea, or hot apple cider) served directly into sanitary SINGLE-SERVICE ARTICLES;
  - (vi) An establishment that offers only dry, nonPOTENTIALLY HAZARDOUS FOODS, nonREADY-TO-EAT foods (such as dry beans, dry grains, in-shell nuts, coffee beans, tea leaves, or herbs for tea);
  - (vii) An establishment that offers only prePACKAGED frozen confections produced in a licensed FOOD ESTABLISHMENT or FOOD PROCESSING PLANT;

- (viii) A residential kitchen in a private home or other location, if only foods that are nonPOTENTIALLY HAZARDOUS baked goods are prepared and wrapped in a sanitary manner for sale or service by a nonprofit organization operating for religious, charitable, or educational purposes and if the consumer is informed by a clearly visible placard at the sales or service location that the foods are prepared in a kitchen that is not inspected by a REGULATORY AUTHORITY;
- (ix) A location where FOODS that are prepared as specified in (c)(viii) of this subparagraph are sold or offered for human consumption;
- (x) A kitchen in a private home operated as a family day care provider as defined in RCW 74.15.020 (1)(f) or an adult family home as defined in RCW 70.128.010, used only to prepare FOOD for residents and other people for whom the operation is licensed to provide care;
- (xi) A private home that receives catered or home-delivered food;
- (xii) A private home or other location used for a PRIVATE EVENT;
- (xiii) A DONOR KITCHEN; and
- (xiv) A location used for a POTLUCK.

(37) **Food Processing Plant.**

- (a) **"Food processing plant"** means a commercial operation that manufactures, packages, labels, or stores FOOD for human consumption and does not provide FOOD directly to a CONSUMER.
- (b) **"Food processing plant"** does not include a FOOD ESTABLISHMENT as defined under Subparagraph 1-201.10(B)(36).

(37.1) **"Food worker card"** means a food and beverage service worker's permit as required under chapter 69.06 RCW. [WAC 246-215-011(13)]

(38) **Game Animal.**

- (a) **"Game animal"** means an animal, the products of which are FOOD, that is not classified as cattle, sheep, swine, goat, horse, mule, or other equine in 9 CFR 301 Definitions, as Poultry Products Inspection Regulations, or as FISH as defined under Subparagraph 1-201.10(B)(31).
- (b) **"Game animal"** includes mammals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria, or muskrat, and nonaquatic reptiles such as land snakes.
- (c) **"Game animal"** does not include ratites such as ostrich, emu, and rhea.

(39) **"General use pesticide"** means a pesticide that is not classified by EPA for restricted use as specified in 40 CFR 152.175.

(40) **"Grade A standards"** means the requirements of the United States Public Health Service/FDA "Grade A Pasteurized Milk Ordinance" and "Grade A Condensed and Dry Milk Ordinance" with which certain fluid and dry milk and milk products comply.

(41) **"HACCP plan"** means a written document that delineates the formal procedures for following the HAZARD Analysis CRITICAL CONTROL POINT principles developed by The National Advisory Committee on Microbiological Criteria for Foods.

(42) **"Hazard"** means a biological, chemical, or physical property that may cause an unacceptable CONSUMER health RISK.

(43) **"Hermetically sealed container"** means a container that is designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned FOODS, to maintain the commercial sterility of its contents after processing.

(44) **"Highly susceptible population"** means PERSONS who are more likely than other people in the general population to experience foodborne disease because they are:

- (i) Immunocompromised; preschool age children, or older adults; and
- (ii) Obtaining FOOD at a facility that provides services such as custodial care, health care, or assisted living, such as a child or adult day care center, kidney dialysis center, hospital or nursing home, or nutritional or socialization services such as a senior center.

(44.1) **"Immediate service"** means service to the public within thirty minutes of preparation. [WAC 246-215-011(14)]

(45) **"Imminent health hazard"** means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on:

- (a) A breakdown or lack of equipment or power causing improper temperature control for POTENTIALLY HAZARDOUS FOOD;
- (b) A lack of water preventing adequate handwashing, equipment cleaning, or sanitizing;

- (c) An emergency situation caused by accident or natural disaster, such as fire, flood, or building collapse;
- (d) A sewage backup or sewage contamination within a FOOD ESTABLISHMENT; or
- (e) An occurrence of an outbreak of foodborne illness linked to the FOOD ESTABLISHMENT. [Amended by WAC 246-215-011(15)]

(46) **"Injected"** means manipulating a MEAT so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the MEAT such as by processes which may be referred to as "injecting," "pinning," or "stitch pumping."

(47) **"Juice"**, when used in the context of FOOD safety, means the aqueous liquid expressed or extracted from one or more fruits or vegetables, purées of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or purée. JUICE includes JUICE as a whole BEVERAGE, an ingredient of a BEVERAGE and a purée as an ingredient of a BEVERAGE.

(48) **"Kitchenware"** means FOOD preparation and storage UTENSILS.

(49) **"Law"** means applicable local, state, and federal statutes, regulations, and ordinances.

(50) **"Linens"** means fabric items such as cloth hampers, cloth napkins, table cloths, wiping cloths, and work garments including cloth gloves.

(50.1) **"Local board of health"** means the county or district board of health. [WAC 246-215-011(16)]

(50.2) **"Local health officer"** means the legally qualified physician who has been appointed as the health officer for the county or district public health department. [WAC 246-215-011(17)]

(51) **"Meat"** means the flesh of animals used as FOOD including the dressed flesh of cattle, swine, sheep, or goats and other edible animals, *except fish, poultry, and wild game animals as specified under Subparagraphs 3-201.17(A)(3) and (4).*

(52) **"mg/L"** means milligrams per liter, which is the metric equivalent of parts per million (ppm).

(52.1) **"Mobile food unit"** means a readily movable FOOD ESTABLISHMENT. [WAC 246-215-011(18)]

(53) **"Molluscan shellfish"** means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, *except when the scallop product consists only of the shucked adductor muscle.*

(54) **Packaged.**

(a) **"Packaged"** means bottled, canned, cartoned, securely bagged, or securely wrapped, whether PACKAGED in a FOOD ESTABLISHMENT or a FOOD PROCESSING PLANT.

(b) **"Packaged"** *does not include a wrapper, carry-out box, or other nondurable container used to containerize FOOD with the purpose of facilitating FOOD protection during service and receipt of the FOOD by the CONSUMER.*

(55) **"Permit"** means the document issued by the REGULATORY AUTHORITY that authorizes a PERSON to operate a FOOD ESTABLISHMENT.

(56) **"Permit holder"** means the entity that:

(a) Is legally responsible for the operation of the FOOD ESTABLISHMENT such as the owner, the owner's agent, or other PERSON; and

(b) Possesses a valid PERMIT to operate a FOOD ESTABLISHMENT.

(57) **"Person"** means an association, a corporation, individual, partnership, other legal entity, government, or governmental subdivision or agency.

(58) **"Person in charge"** means the individual present at a FOOD ESTABLISHMENT who is responsible for the operation at the time. [Amended by WAC 246-215-011(19)]

(59) **Personal Care Items.**

(a) **"Personal care items"** means items or substances that may be poisonous, toxic, or a source of contamination and are used to maintain or enhance a PERSON'S health, hygiene, or appearance.

(b) **"Personal care items"** include items such as medicines; first aid supplies; and other items such as cosmetics, and toiletries such as toothpaste and mouthwash.



(60) **"pH"** means the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution.

Values between 0 and 7 indicate acidity and values between 7 and 14 indicate alkalinity. The value for pure distilled water is 7, which is considered neutral.

(61) **"Physical facilities"** means the structure and interior surfaces of a FOOD ESTABLISHMENT including accessories such as soap and towel dispensers and attachments such as light fixtures and heating or air conditioning system vents.

(62) **"Plumbing fixture"** means a receptacle or device that:

- (a) Is permanently or temporarily connected to the water distribution system of the PREMISES and demands a supply of water from the system; or
- (b) Discharges used water, waste materials, or SEWAGE directly or indirectly to the drainage system of the PREMISES.

(63) **"Plumbing system"** means the water supply and distribution pipes; PLUMBING FIXTURES and traps; soil, waste, and vent pipes; sanitary and storm sewers and building drains, including their respective connections, devices, and appurtenances within the PREMISES; and water-treating EQUIPMENT.

(64) **"Poisonous or toxic materials"** means substances that are not intended for ingestion and are included in 4 categories:

- (a) Cleaners and SANITIZERS, which include cleaning and SANITIZING agents and agents such as caustics, acids, drying agents, polishes, and other chemicals;
- (b) Pesticides, *except* SANITIZERS, which include substances such as insecticides and rodenticides;
- (c) Substances necessary for the operation and maintenance of the establishment such as nonfood grade lubricants and PERSONAL CARE ITEMS that may be deleterious to health; and
- (d) Substances that are not necessary for the operation and maintenance of the establishment and are on the PREMISES for retail sale, such as petroleum products and paints.

(65) **Potentially Hazardous Food.**

(a) **"Potentially hazardous food"** means a FOOD that is natural or synthetic and that requires temperature control because it is in a form capable of supporting:

- (i) The rapid and progressive growth of infectious or toxigenic microorganisms;
- (ii) The growth and toxin production of *Clostridium botulinum*; or
- (iii) In raw shell EGGS, the growth of *Salmonella Enteritidis*.

(b) **"Potentially hazardous food"** includes an animal FOOD (a FOOD of animal origin) that is raw or heat-treated; a FOOD of plant origin that is heat-treated or consists of raw seed sprouts; cut melons; [fresh herb-in-oil mixtures](#) and garlic-in-oil mixtures [unless](#) modified in a way that results in mixtures that do not support growth as specified under Subparagraph (a) of this definition. [\[Amended by WAC 246-215-011\(20\)\]](#)

(c) **"Potentially hazardous food"** does not include:

- (i) An air-cooled hard-boiled EGG with shell intact, or a shell EGG that is not hard-boiled, but has been treated to destroy all viable *Salmonellae*;
- (ii) A FOOD with an  $a_w$  value of 0.85 or less;
- (iii) A FOOD with a pH level of 4.6 or below when measured at 24°C (75°F);
- (iv) A FOOD, in an unopened HERMETICALLY SEALED CONTAINER, that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution;
- (v) A FOOD for which laboratory evidence demonstrates that the rapid and progressive growth of infectious or toxigenic microorganisms or the growth of *S. Enteritidis* in EGGS or *C. botulinum* can not occur, such as a FOOD that has an  $a_w$  and a pH that are above the levels specified under Subparagraphs (c)(ii) and (iii) of this definition and that may contain a preservative, other barrier to the growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms; or
- (vi) A FOOD that does not support the growth of microorganisms as specified under Subparagraph (a) of this definition even though the FOOD may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a level sufficient to cause illness.

(65.1) **"Potluck"** means an event where:

- (a) People are gathered to share FOOD;
- (b) People attending are expected to bring FOOD to share;
- (c) There is no compensation provided to people for bringing FOOD to the event;
- (d) There is no charge for any FOOD or BEVERAGE provided at the event; and

(e) The event is not conducted for commercial purposes. [WAC 246-215-011(21)]

(66) **Poultry.**

(a) **"Poultry"** means:

- (i) Any domesticated bird (chickens, turkeys, ducks, geese, or guineas), whether live or dead, as defined in 9 CFR 381 Poultry Products Inspection Regulations; and
- (ii) Any migratory waterfowl, game bird, such as pheasant, partridge, quail, grouse, or guinea, or pigeon or squab, whether live or dead, as defined in 9 CFR 362 Voluntary Poultry Inspection Regulations.

(b) **"Poultry"** does not include ratites.

(67) **"Premises"** means:

- (a) The physical facility, its contents, and the contiguous land or property under the control of the PERMIT HOLDER; or
- (b) The physical facility, its contents, and the land or property not described under Subparagraph (a) of this definition if its facilities and contents are under the control of the PERMIT HOLDER and may impact FOOD ESTABLISHMENT personnel, facilities, or operations, and a FOOD ESTABLISHMENT is only one component of a larger operation such as a health care facility, hotel, motel, school, recreational camp, or prison.

(68) **"Primal cut"** means a basic major cut into which carcasses and sides of MEAT are separated, such as a beef round, pork loin, lamb flank, or veal breast.

(68.1) **"Private event"** means a private gathering restricted to members and guests of members of a family, organization, or club; where the event is not open to the general public; and where FOOD is provided without compensation. [WAC 246-215-011(22)]

(69) **"Public water system"** means a drinking water system that is operated in compliance with chapters 246-290 and 246-291 WAC. [Amended by WAC 246-215-011(23)]

(70) **Ready-to-Eat Food.**

(a) **"Ready-to-eat food"** means FOOD that:

- (i) Is in a form that is edible without additional preparation to achieve FOOD safety, as specified under ¶ 3-401.11(A) – (C) or § 3-401.12 or 3-402.11; or
- (ii) Is a raw or partially cooked animal FOOD and the consumer is advised as specified under Subparagraphs 3-401.11(D)(1) and (2); or
- (iii) Is prepared in accordance with a variance that is granted as specified under Subparagraphs 3-401.11(D)(1) and (3); and
- (iv) May receive additional preparation for palatability or aesthetic, epicurean, gastronomic, or culinary purposes.

(b) **"Ready-to-eat food"** includes:

- (i) Raw animal FOOD that is cooked as specified under § 3-401.11 or 3-401.12, or frozen as specified under § 3-402.11;
- (ii) Raw fruits and vegetables that are washed as specified under § 3-302.15;
- (iii) Fruits and vegetables that are cooked for hot holding, as specified under § 3-401.13;
- (iv) All POTENTIALLY HAZARDOUS FOOD that is cooked to the temperature and time required for the specific food under Subpart 3-401 and cooled as specified in § 3-501.14;
- (v) Plant FOOD for which further washing, cooking, or other processing is not required for FOOD safety, and from which rinds, peels, husks, or shells, if naturally present are removed;
- (vi) Substances derived from plants such as spices, seasonings, and sugar;
- (vii) A bakery item such as bread, cakes, pies, fillings, or icing for which further cooking is not required for FOOD safety;
- (viii) The following products that are produced in accordance with USDA guidelines and that have received a lethality treatment for pathogens: dry, fermented sausages, such as dry salami or pepperoni; salt-cured MEAT and POULTRY products, such as prosciutto ham, country cured ham, and Parma ham; and dried MEAT and POULTRY products, such as jerky or beef sticks; and
- (ix) FOODS manufactured according to 21 CFR Part 113, Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers.

(71) **Reduced Oxygen Packaging.**

(a) **"Reduced oxygen packaging"** means:

- (i) The reduction of the amount of oxygen in a PACKAGE by removing oxygen; displacing oxygen and replacing it with another gas or combination of gases; or otherwise controlling the oxygen content to a level below that normally found in the surrounding, 21% oxygen atmosphere, and



(ii) A process as specified in Subparagraph (a)(1) of this definition that involves a FOOD for which ***Clostridium botulinum*** is identified as a microbiological HAZARD in the final PACKAGED form.

(b) **"Reduced oxygen packaging"** includes:

(i) Vacuum PACKAGING, in which air is removed from a PACKAGE of FOOD and the PACKAGE is HERMETICALLY SEALED SO that a vacuum remains inside the PACKAGE, such as sous vide;

(ii) Modified atmosphere PACKAGING, in which the atmosphere of a PACKAGE of FOOD is modified so that its composition is different from air but the atmosphere may change over time due to the permeability of the PACKAGING material or the respiration of the FOOD. Modified atmosphere PACKAGING includes: reduction in the proportion of oxygen, total replacement of oxygen, or an increase in the proportion of other gases such as carbon dioxide or nitrogen; and

(iii) Controlled atmosphere PACKAGING, in which the atmosphere of a PACKAGE of FOOD is modified so that until the PACKAGE is opened, its composition is different from air, and continuous control of that atmosphere is maintained, such as by using oxygen scavengers or a combination of total replacement of oxygen, nonrespiring food, and impermeable packaging material.

(72) **"Refuse"** means solid waste not carried by water through the SEWAGE system.

(73) **"Regulatory authority"** means the local, state, or federal enforcement body or authorized representative having jurisdiction over the FOOD ESTABLISHMENT. [The local board of health, acting through the local health officer, is the regulatory authority for the activity of a FOOD ESTABLISHMENT, except as otherwise provided by LAW. \[Amended by WAC 246-215-011\(24\)\]](#)

(74) **"Restrict"** means to limit the activities of a FOOD EMPLOYEE so that there is no RISK of transmitting a disease that is transmissible through FOOD and the FOOD EMPLOYEE does not work with exposed FOOD, clean EQUIPMENT, UTENSILS, LINENS; and unwrapped SINGLE-SERVICE OR SINGLE-USE ARTICLES.

(75) **"Restricted egg"** means any check, dirty EGG, incubator reject, inedible, leaker, or loss as defined in 9 CFR 590.

(76) **"Restricted use pesticide"** means a pesticide product that contains the active ingredients specified in 40 CFR 152.175 Pesticides classified for restricted use, and that is limited to use by or under the direct supervision of a certified applicator.

(77) **"Risk"** means the likelihood that an adverse health effect will occur within a population as a result of a HAZARD in a FOOD.

(78) **"Safe material"** means:

(a) An article manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any FOOD;

(b) An additive that is used as specified in § 409 or 706 of the Federal Food, Drug, and Cosmetic Act; or

(c) Other materials that are not ADDITIVES and that are used in conformity with applicable regulations of the Food and Drug Administration.

(79) **"Sanitization"** means the application of cumulative heat or chemicals on cleaned FOOD-CONTACT SURFACES that, when evaluated for efficacy, is sufficient to yield a reduction of 5 logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.

(80) **"Sealed"** means free of cracks or other openings that allow the entry or passage of moisture.

(81) **"Service animal"** means an animal [that is trained for the purpose of assisting or accommodating a disabled person's sensory, mental, or physical disability. \[Amended by WAC 246-215-011\(25\)\]](#)

(82) **"Servicing area"** means an operating base location to which a mobile FOOD ESTABLISHMENT or transportation vehicle returns regularly for such things as vehicle and EQUIPMENT cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding FOOD.

(83) **"Sewage"** means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

(84) **"Shellfish control authority"** means a state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of MOLLUSCAN SHELLFISH harvesters and dealers for interstate commerce.

(85) **"Shellstock"** means raw, in-shell MOLLUSCAN SHELLFISH.

(86) **"Shiga toxin-producing *Escherichia coli*"** means any *E. coli* capable of producing Shiga toxins (also called verocytotoxins or "Shiga-like" toxins). This includes, but is not limited to, *E. coli* reported as serotype O157:H7, O157:NM, and O157:H-.

(87) **"Shucked shellfish"** means MOLLUSCAN SHELLFISH that have one or both shells removed.

(88) **"Single-service articles"** means TABLEWARE, carry-out UTENSILS, and other items such as bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one time, one PERSON use after which they are intended for discard.

(89) **Single-Use Articles.**

(a) **"Single-use articles"** means UTENSILS and bulk FOOD containers designed and constructed to be used once and discarded.

(b) **"Single-use articles"** includes items such as wax paper, butcher paper, plastic wrap, formed aluminum FOOD containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, and number 10 cans which do not meet the materials, durability, strength, and cleanability specifications under §§ 4-101.11, 4-201.11, and 4-202.11 for multiuse UTENSILS.

(90) **"Slacking"** means the process of moderating the temperature of a FOOD such as allowing a FOOD to gradually increase from a temperature of -23°C (-10°F) to -4°C (25°F) in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen FOOD such as spinach.

(91) **"Smooth"** means:

(a) A FOOD-CONTACT SURFACE having a surface free of pits and inclusions with a cleanability equal to or exceeding that of (100 grit) number 3 stainless steel;

(b) A nonFOOD-CONTACT SURFACE of EQUIPMENT having a surface equal to that of commercial grade hot-rolled steel free of visible scale; and

(c) A floor, wall, or ceiling having an even or level surface with no roughness or projections that render it difficult to clean.

(92) **"Table-mounted equipment"** means EQUIPMENT that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.

(93) **"Tableware"** means eating, drinking, and serving UTENSILS for table use such as flatware including forks, knives, and spoons; hollowware including bowls, cups, serving dishes, and tumblers; and plates.

(94) **"Temperature measuring device"** means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of FOOD, air, or water.

(95) **"Temporary food establishment"** means a FOOD ESTABLISHMENT:

(a) Operating at a fixed location, with a fixed menu, for not more than twenty-one consecutive days in conjunction with a single event or celebration, such as a fair or festival; or

(b) Operating not more than three days a week at a fixed location, with a fixed menu, in conjunction with an approved, recurring, organized event, such as a farmers market. [Amended by WAC 246-215-011(26)]

(96) **"USDA"** means the U.S. Department of Agriculture.

(97) **"Utensil"** means a FOOD-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of FOOD, such as KITCHENWARE or TABLEWARE that is multiuse, SINGLE-SERVICE, or SINGLE-USE; gloves used in contact with FOOD; temperature sensing probes of FOOD TEMPERATURE MEASURING DEVICES; and probe-type price or identification tags used in contact with FOOD.

(98) **"Variance"** means a written document issued by the REGULATORY AUTHORITY that authorizes a modification or waiver of one or more requirements of this Code if, in the opinion of the REGULATORY AUTHORITY, a health HAZARD or nuisance will not result from the modification or waiver.

(99) **"Vending machine"** means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, or by optional manual operation, dispenses unit servings of FOOD in bulk or in packages without the necessity of replenishing the device between each vending operation.

(100) **"Vending machine location"** means the room, enclosure, space, or area where one or more VENDING MACHINES are installed and operated and includes the storage areas and areas on the PREMISES that are used to service and maintain the VENDING MACHINES.

(101) **"Warewashing"** means the cleaning and SANITIZING of UTENSILS and FOOD-CONTACT SURFACES of EQUIPMENT.

(102) **"Whole-muscle, intact beef"** means whole muscle beef that is not injected, mechanically tenderized, reconstructed, or scored and marinated, from which beef steaks may be cut.